

mail for 15-17 days or denying legal mail with no notice.

Mr Hays, my first appellate counsel for my direct appeal refused to send me all the records I had asked for, (court records) and refused to address the manifest constitutional errors, brady violations, ineffective counsel on Trial Attorney Gregg Schile. Refused to argue impartial Judge absent Barbara (Honorable Barbara Johnson), ~~Abuse of~~ Abuse of Discretion Judge Johnson, Mr Hays based his arguments off ~~off~~ of Mr Schile's motions.

Mr Schile was removed from my case because he was ineffective by allowing typos in the motions he submitted, or did not investigate or interview or collect evidence in my case. And no ~~communication~~ communication between him and I before he submitted briefs or any of the hearings.

Mr Schile would not sign most of his motions with his WSBA# violating CrR 8.4 & CrR 11 ~~11~~

~~and~~ Mr Schile the first day I met him had me sign a waiver of speedy arraignment 2 minutes before I went in front of the Judge Barbara Johnson. When I asked what is this for he just said its something I have to do.

~~In front~~ With no education in matters of the law, just a high school diploma, I didn't know what options I had. After 2 weeks he had me sign a waiver of speedy trial where he dated 9 months not 60 days. He just told me its something I had to sign. violating RPL 1.2 1.3 & 1.4. I had no Idea what I was doing. Mr schile never asked for a bill of particulars, or investigated the case, or gave an explanation on why he needed these waivers. Mr schile made false statements and put incorrect dates in the motions he submitted and refused to fix them. I didn't ~~know~~ know what to do.

3~~4~~) Mr Hays (appeal~~att~~ attorney) stated in his brief a piece of carpet was found at the defendant's friends house. This is not true, its not part of the record. when Mr Hays sent my direct appeal brief to Division # this was the first time ~~that~~ when I found out what he argued about and that he had my transcripts. I wrote to him 2 days after I read his deficient brief and asked him to fix his mistakes, Mr Hays refused.

Mr Hays didn't inform me that Division II asked for oral arguments or what questions Division II asked. Mr Hays sent a letter to me after oral arguments was over but still didn't inform me on the subject matter.

4) Prosecutorial misconduct

Prosecutor violated RPC 3.8

Lack of Remorse / no probable cause

Gun enhancement / no probable cause

no arrest warrant / until the 20th

no search warrant / until the 20th

affidavit for the search warrant no mention of a gun

was not a Terry stop

Affidavit for the search warrant, no mention of the Jeep I was driving or how it's part of any crime.

No names on the search warrant for who's items to be taken and why.

No nexus to the items they ~~called~~ ^{called} evidence in this case.

Illegal search & seizure

Recorded statements made in violation of RCW 9.73.090

(ii) edited out 2 hours and no mention of date and time at the end. Supreme Court says RCW 9.73.090 must be strictly complied with, no video just audio.

Tampering with Evidence first search warrant
Someone changed the date from 20th to the 19th,
F was arrested on the 19th thats why they changed
the date. Thats in the records.

Prosecutor is responsible for the State and
their agency's

5) Impartial Judge absent at pretrial, Trial
Post-Trial and resentencing
Not following CrR 3.6 or Ignoring the CDC
rules shows an Impartial Judge was absent.
The state waived its rights to give a standing
on motions filed 4-3-2013, 4-15-2013,
4-22-2013, ~~the~~ prosecutor gave no response
to the legal arguments from these motions.
There for no ~~disputed~~ disputed facts, Judge
Johnson should have ruled in defendants favor.
The presecutor needs to raise standing in the
trial court or it is waived Stegald, 451 U.S. at 211
The court docket proves their is no response
from the state raising a standing on these motions.
When evidence is obtained in violation of a
defendants constitutional immunity from
unreasonable searches and seizures, there is
no need to balance particular circumstances
and ~~interest~~ interest involved before applying

exclusionary rule and such evidence
must be suppressed

U.S.C.A. Const. Amend 4.

6) Judge Johnson was not a sitting Judge
~~to~~ she had retired a year prior before
my resentencing. no signatures saying we agree
to a pro temp Judge, and no offer from
the state showing Judge Johnson had all
the requirements of her WSBA #.

7) Attorney Ed Dunkerly at my resentencing was
unprepared ~~and~~ didn't object to many issues,
didn't argue ~~to~~ Impartial Judge absent didn't
enter the three motions I was asking for.
Dated 4-3-2013, 4-15-2013, 4-22-2013.
No investigation, how can he represent me
if he is unprepared and didn't discuss anything
with the defendant. He told me two days
before resentencing that Barbara Johnson was
going to be the Judge. Mr Dunkerly refused
the Judge Vanderwood by not admitting those
three motions Ineffective assistance to counsel.

~~Att~~

8) Speedy Trial violation

ineffective assistance of counsel Trial, ~~stand~~
stand by counsel & appellate counsel.

rendering further proceedings

Standing objections not being heard

Government misconduct, gross mismanagement

Illegal search & seizure (lack of probable cause)

Search warrants (deficient on ~~the~~ ^{its} face.)

9) Access to the courts being Denied

Law Library doesn't have W P I C Books

11, 12, 13a & 13b, no criminal Key books.

With Appellate ~~at~~ counsel being deficient

Defendants need access to these books.

The Lexis nexus system has little or no
information from these books, not being educated

in the matters of the law and deficient counsel

this ~~denies~~ is denying us our constitution Rights

to access the courts.

10) Brady violations

Prosecutor is responsible for the state and

their agencies.

The blood test that the police used doesn't prove its human blood, the test will give a positive reading for human blood, animal blood, plant extract and rust.

Judge Terry Vetter awarded Terrie Hasan (states witness) all of the defendants property ~~if~~ if the defendant was found guilty of murder. Judge Terry Vetter was on the stand in the defendants divorce case, (conflict of interest).

Terrie Hasan has convictions of ~~Thief~~ Thift that makes her a not credible paid informant who didn't witness any crimes by the defendant.

(Brady violation) And Terrie Hasan committed ~~perjury~~ perjury on the stand in the defendants murder trial. Prosecutor entered a wallat into evidence ~~that~~ during trial that Terrie Hasan said she recieved from a third party, prosector admitted they had it for several months, ~~I claim~~ claimed this is inadmissible and a discovery violation but the Judge still allowed it in. The police had searched the vehicle Terrie Hasan said where the 3rd party had found it. But police didn't find it when they search & released the ~~property~~ property to Terrie Hasan.

11) Ineffective assistance to Counsel

Bob yoseph was appointed stand by counsel in defendants murder trial, ~~the~~ Judge Johnson told the defendant if you can't get along with this Attorney I wont be able to appoint another. Thats on record. Mr yoseph refused to answer questions ~~the~~ about motions & court procedures, was on vacation for 3 weeks did not show up for some court dates, Gary Rice is witness to this he was my P.F. when I became Pro Se. Gary Rice put in Affidavit's on the record that helps prove what I am claiming.

Mr yoseph contacted several friends and family to the defendant and told them Judge Johnson was going to sentence the defendant to 40 years if I ~~the~~ (the defendant) didn't take the 20 year plea bargin he worked out with the prosecutor. How did Bob yoseph know that Judge Barbara Johnson was going to give the defendant an illegal sentence before the trial. Bob yoseph also told my family and myself I would die in prison before I will ever see my kids again. all this weeks before trial without my ~~the~~ permission or knowledge until he told me after he talked to my family.

12) This was a bench Trial

ⓑ Judge Barbara Johnson relied solely on inadmissible evidence for a conviction.

13) All evidence including verbal shall be suppressed under the fruits of a poisonous tree, unconstitutional search & seizure.

14) Due process

In order to resentence, all other issues must be addressed

4th and 14th Amend.

Troy Fisher DOC # 367621

Nov 5th 2016